



Public Utilities
Environmental Services

348 S. Erie St.
Toledo, Ohio 43604
phone 419-936-3015
fax 419-936-3959

toledo.oh.gov

July 15, 2020

Certified Mail

Mr. Des Gillen
President
BP-Husky Refining LLC
4001 Cedar point Road
Oregon, OH 43616

**Re: BP-Husky Refining LLC
Resolution of Violation (ROV)
Air Permit
Lucas County
0448020007**

Toledo Division of Environmental Services

Subject: Resolution of Violation

Dear Mr. Gillen:

Thank you for your June 15, 2020 response to the Toledo Division of Environmental Services' March 06, 2020 Notice of Violation (NOV) letter. The violation was originally communicated to you following a review of the Fourth Quarter 2019 Excess Emissions Report (EER) submitted on January 30, 2020. Your response included detailed explanations of the reasons for the CO Boiler (P007) bypass line SO₂ and NO_x CEMS and the TRP SRU (P037) SO₂ CEMS having excess downtime for the fourth quarter of 2019 and how the issues were addressed.

Toledo Division of Environmental Services has reviewed your response letter and determined that Toledo Refining company LLC has now resolved the violation discovered during the review of the submitted the 4th quarter 2019 EER report. To ensure the violation has been addressed, Toledo Division of Environmental Services has included Toledo Refining company LLC's response for the violation and its status.

Resolution of violation

Letter Citation: Finding 1

Rule Citation: ORC chapter 3704.05(C): *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

Rule Citation: PTIO P0104782 Term C.12.d)(S)b.: *"The permittee shall operate and maintain equipment to continuously monitor and record SO₂ emissions from this emissions unit in units of the applicable standard(s). The continuous monitoring and recording equipment shall comply with the requirements specified in 40 CFR Part 60."*

Rule Citation: PTIO P0104782 Term C.12.d)(7)b.: *The permittee shall operate and maintain equipment to continuously monitor and record NO_x*



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emissions from this emissions unit in units of the applicable standard(s). The continuous monitoring and recording equipment shall comply with the requirements specified in 40 CFR Part 60."

Rule Citation: PTIO P0104782 Term C.20.d)(5)b.: *"The permittee shall operate and maintain an instrument for continuously monitoring and recording the concentration (dry basis, zero percent excess air) of SO₂ emissions into the atmosphere. The monitor shall include an oxygen monitor for correcting the data for excess air. "*

(a) Violation(s): Data summaries in the 4th quarter 2019 EER indicate excess CEMS downtime of 19.7 % for P007 bypass line NO_x and SO₂ Monitor and 6.7 % for P037 SO₂ monitor which are greater than acceptable 5% of source operating time.

(b) Requested action(s): Within 30 days of receipt of this letter, BP-Husky Refining LLC shall submit a compliance plan to the City of Toledo Division of Environmental Services at 348 South Erie St., Toledo, Ohio 43604 which will include how the facility will address the emissions exceedance identified above

The response letter that was submitted on June 15, 2020 included details of explanations that the excessive downtime of the CO Boiler (P007) Bypass Line SO₂ and NO_x CEMS was the result of an error in the method used to calculate the downtime for these two CEMS. The letter states that the error was due to a misunderstanding between the maintenance department and the environmental staff person preparing the report. The response letter also details the issues that contributed to the total downtime of the TRP SRU SO₂ CEMS. The letter states that the TRP SRU SO₂ CEMS suffered poor performance during the quarter due to an upset in the unit caused by the refinery wide shortage of steam, which caused a pluggage problem in the SRU tail gas unit, resulting in the tail gas unit being bypassed for several days while the quench tower was unplugged. The letter states that the refinery analyzer maintenance department was unable to keep the sample line from plugging before a valid 12-hour average could be monitored and the analyzer was considered down for the time it was reading pegged values. The letter shows that if it were not, it would have been down for 4.6% for the quarter.

The subsequent EER reports demonstrated that the facility returned to compliance with the CO Boiler (P007) Bypass Line SO₂, NO_x CEMS and the TRP SRU SO₂ CEMS and had remained in compliance in the remainder of the quarter. Therefore, the violation is considered resolved.

Please note that this does not preclude the Director from seeking administrative or civil penalties pursuant to Ohio Revised Code section 3704.06 for the violation(s) noted in the March 06, 2020 NOV letter. The



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decision on whether to pursue or decline to pursue penalties regarding this violation is dependent on several factors, one of which is the company's future compliance with Ohio EPA regulatory requirements.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact Peter Park by phone at 419-936-3936 or by e-mail at Peter.Park@toledo.oh.gov.

Sincerely,

A handwritten signature in black ink that reads 'Peter Park'.

Peter Park
Engineering Associate
Toledo Division of Environmental Services

cc: John Paulian, DAPC/CO
James Kavalec, DAPC/CO
Todd Brown, DAPC/CO
Brian Dickens, USEPA Region V
Karen Granata, TES
Leslie Kovacik, Toledo Law Department

